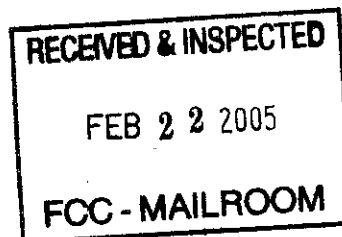


Wednesday, February 09, 2005

DOCKET FILE COPY ORIGINAL

Ms. Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 Twelfth Street, S.W.
12th Street Lobby - TW - A325
Washington, D.C. 20554



DOCKET FILE COPY ORIGINAL

Re: Petition for Rule Making
Amendment of 73.801 MB Docket No.
Millsboro, Delaware (Channel 300)

Dear Ms. Dortch:

Enclosed is an original Petition AND 4 COPYS f o r Rule Making for Primary Status for
WRBG-LP, Channel (300), at Millsboro, Delaware.

Respectfully submitted,
23136 Prince George Drive
Angola Estates
Lewes, delaware 19958-9342
(302) 945-1554

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of 1
Primary Status
Amendment of 73.801 MB Docket No.
F'M Broadcast Stations)
Millsboro, Delaware (Channel 300)

To: John Karousos, Assistant Chief
Audio Division of the
Media Bureau
PETITION FOR RULE MAKING
Pursuant to 47 C.F.R. 1.401, Joseph D'Alessandro
respectfully petitions the FCC to institute a Rule Making
proceeding to amend to add
(300) Millsboro, Delaware as Primary Status

DISCUSSION

A critical or explanatory note, a commentary.

This is a legal Document under a declaration of oath.

If i am forced off the Air i will file a Federal Lawsuit (in forma pauperis) for exemplary damages in the millions.
And a Varified Complaint Demand Jury Trial under my Seventh Amendment rights in the Fedederal Court of
The Third District, futhermore you are deliberately causing mental and physical damage, i am disabled and
my life savings are invested in this LPFM station, over \$20, 000.00 plus a 25 year lease for studio,
and bills.

The "why" is substantive due process. Even if an unreasonable law is passed and signed into law legally (procedural due
process), substantive due process can make the law unconstitutional. The Roe v Wade abortion decision declared a Texas

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MB

05-15

law in violation of due process.

The Fourteenth Amendment prohibits the deprivation of liberty or property without due process of law. A due process claim is **cognizable (Knowable)** only if there is a recognized **liberty (Freedom from unjust or undue governmental control)** or **property (Something tangible or intangible)** interest at stake. Board of Regents v. Roth, 408 U.S. 564, 569 (1972).

Signed Mr. Joseph D'Alessandro Pro-Se & Pro-Socla

23136 Prince George Drive
Angola Estates
Lewes, Delaware, 19958-9342

Copy to:

Dow Lohnes & Albertson
1200 New Hampshire Avenue, NW
Suite 800
Washington, DC 20036 -6802

The Distinguished Senator John McCain
Commerce, Science and Transportation Committee
Members, Staff and Contact Information
Address: 508 Dirksen Senate Office Building Washington, DC 20510

The Distinguished Representative Joe Barton, Chairman
Energy and Commerce Committee
Members, Staff and Contact Information
Address: 2125 Rayburn House Office Building Washington, DC 20515

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

In the Matter of

Primary status for and/or LPFM-LP Radio
And The Impact It Has When LPFM-LP Radio Stations are forced off the Air.
By The greed and to dominate The Public Air Spectrum by excluding others.

Reference

04-409
11108-A

To: Office of the Secretary
Attn: Assistant Chief, Audio Division
Media Bureau

Motion By Joseph D'Alessandro for NOTICE OF Petition for Rulemaking

Prefatory Remarks uner a declaration of Oath.

I am Disabled, and have a problem with punctuating, now.

1. Text intended to separate ideas.

WRBG-LP can not be forced off the air by greed and to dominate, The Public Air Spectrum by excluding others. My Life savings are in this WRBG-LP. (Our Lives will be rendered useless or ineffective)

My Community LPFM-LP Station must have rank position relative to my "SUBSTANTIVE RIGHTS" and "SUBSTANTIVE DUE PROCESS OF LAW AND/OR CIVIL RIGHTS" and "DUE PROCESS OF LAW "

The United States Constitution. Clauses of the First, Fifth, Ninth, and Fourteenth Amendments "Substantive Due Process" is the fundamental constitutional legal theory upon which the Griswold/Roe/Casey privacy right is based. The doctrine of Substantive Due Process holds that the Due Process Clause not only requires "due process," that is, basic procedural rights, but that it also protects basic substantive rights. "Substantive" rights are those general rights that reserve to the individual the power to possess or to do certain things, despite the government's desire to the contrary. These are rights like freedom of speech.

2. Text intended to separate ideas.

**(a) WRBG-LP is protected by the jurisdiction of Federal Law, according to federal jurisdiction pursuant to Article III § 2 which extends the jurisdiction to "SUBSTANTIVE RIGHTS" arising under the U.S. Constitution. TITLE 28 PART IV CHAPTER 85 JURISDICTION
sec. 1331. Federal question
sec. 1332. Diversity of citizenship; amount in controversy; costs**

(b) The Federal Administrative Procedures Act.

**(c) TITLE 18 SECTION 242 DEPRIVATION OF RIGHTS UNDER and COLOR OF LAW,
TITLE 18 SECTION 241. -CONSPIRACY AGAINST RIGHTS.**

EXHIBIT (A)

If this goes on LPFM is Void and Moot. No LPFM is safe.

**These Conglomerates attempt to manipulate the Law Cox Radio and Great Scott own
40% if not more, of all stations in this area**

MB Docket	RM Number	Call	Community of License	Channel/Class	Action	Latitude	Longitude
04-409	11108a	WHKI	WILLARDS MD	299B1	ADD	38.262	75.254

Petitioner CXR HOLDINGS, INC

Other proposed changes related to this docket:

MB Docket	RM Number	Call	Community of License	Channel/Class	Action	Latitude	Longitude
Proposed By: DANA J. PUOPOLO							
04-409	11108	PORT NORRIS NJ	299A	ADD	39.246	75.034	

Proposed By: DANA J. PUOPOLO

04-409	11108a	WOLC	FRUITLAND MD	273B	ADD	38.324	75.619
04-409	11108a	WOLC	PRINCESS ANNE MD	273B	DEL	38.324	75.619
04-409	11108a	WOLC	FRUITLAND MD	273B	ADD	38.112	75.654
04-409	11108a	WNNT	WARSAW VA	298A	ADD	37.944	76.751
04-409	11108a	WDYL	LAKESIDE VA	265B1	ADD	37.602	77.369

City Grade Contour (70 dBu [F50,50])

Subject: Willards has a population of 750 people do you think COX is putting 107.5 ala channell change (107.7 FM) there for the Community or Money, this is illegal.

This monopolization of the air ways must stop i need primary status, according to our United States Constitution, First, Ninth, and Fourteenth Amendments, and The Federal Administrative Procedures Act. My life savings are in this Community Station. As with John Gerbach. We truly serve our Communities.

If this goes on LPFM is Void and Moot. No LPFM is safe.

DISCERN:

This all could have a negative impact on the LP-FM stations in Ocean City (107.9 WEES) and Millsboro(107.9WRBG) which could be forced off the air...One of the hold ups with the proposed changes is from an individual or company who has filed an application for a station in nearby Port Morris, NJ on the 107.7 frequency. However after reading the petitions by both parties, there are many obstacles with the Port Morris application including its extremely small population

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PROGRAMS ON WRBG 107.9 FM

WRBG-LP DE MILLSBORO USA

COMMUNITY STATION FOR ALL CITIZENS

**ANY PERSON OR ASSOCIATION OR BUSINESS CAN DO A PROGRAM ON WRBG
AIR TIME IS COMMUNITY FREE SERVICE.**

Sunday Morning 07:00 AM to 08:00 AM "Southern Gospel Train Music" Host Kevin Kitner

Sunday Morning 08:00 AM to 09:00 AM "Unravling The Word Of God" Host Kevin Kitner

Sunday Night 06:00 PM to 08:00 PM "Discussing The Truth" Host Sister Olga & Kevin

Sunday Night 08:00 PM to Whenever "Classic Motown & Dance Music" Host Lady Love

Saturday Morning 07:00 AM to 08:00 AM "DCRAC Delaware National Community Reinvestment Coalition

Saturday Morning 08:30 AM to 09:00 AM "Dickens Family Ministry" Host Dickens Family

Saturday Morning 09:00 AM to 09:30 AM "A Great Company" Host Mrs. Malorie Derby & Mrs.Linda VanBrunt

Saturday Morning 09:30 AM to 10:00 AM "Childrens Programs" Host WRBG

Saturday Morning 10:00 AM to 11:00 AM "Word Warrior Ministries" Host Rev. Diane Cook

Saturday Morning 11:00 AM to 11:30 AM "Pentacostal Holiness Church" Host Bishop Phillips

Saturday Morning 11:30 AM to 12:00 Noon "Super Natural Power" Host Mike Hall

Saturday Afternoon Noon to 01:00 PM "Christian Programing" Host Brother Adduci

Saturday Afternoon 01:00 PM to 01:30 PM "One In his Name" Host Pastor Paris Sexton

Saturday Afternoon 02:00 PM to 03:00 PM "C.A.T.S." Host Denise

>

> **Saturday Afternoon 03:00 PM to 03:30 PM "Encore Presentation Learn It Live It" Host Mr. Roger Hunt**
 > **Pastor John Marvel**

>

> **Saturday Afternoon 04:00 PM to 08:00 PM "Street Corner Harmony Show" Host Joey Dee Anziano**

>

> **Saturday Night 08:00 PM to 11:00 PM "De Gospel Train" Host Brother Lou**

>

> **Monday Night 07:30 PM to 08:30 PM "Are You Ready" Host Mr. Roger Hunt & Pastor John Marvels'**
 > **Reformation Radio Ministry**

>

> **Tuesday & Thursday Morning 06:00 AM to 07:00 AM "The Doctor Is In" Host Mr. Roger Hunt**

>

> **Tuesday Afternoon 01:00 PM to 03:00 PM "Doo Woops" Host Joey Dee Anziano**

>

> **Tuesday Afternoon 03:00 PM to 04:00 PM "Childrens Programs" Host WRBG**

>

> **Tuesday Afternoon 04:00 PM to 04:30 PM "Encore Presentation Learn It Live It" Host Mr. Roger Hunt**
 > **Pastor John Marvel**

>

> **Tuesday Afternoon 04:30 PM to 05:00 PM "Voices of The World " Host Ilene Bot**

>

> **Every Other Tuesday Afternoon 05:00 PM to 06:00 PM "Time of Empowerment" Host Apostle Anthony**
 > **Flowers & Pastor Ruth Flowers**

>

> **Every Other Tuesday Afternoon 05:00 PM to 06:00 PM "Power House Church" Host Pastor Carol LeCort**

>

> **Tuesday Night 06:00 PM to 07:00 PM "Focal Point" Host Ms. Mimi Geerges**
 > **The program airs on WEBR in Fairfax County Virginia, WRBG in Southern Delaware and WYRC in West Virginia.**

>

> **Tuesday Night 07:00 PM to 08:00 PM "Keepin It Real" Host Linda Hostelley**

>

> **Tuesday Night 08:00 PM to 09:00 PM Host Pastor Leon Brunner**

>

> **Tuesday Night 09:00 PM to 10:00 PM "Doo Woops" Host Joey Dee Anziano**

>

> **Wednesday Night 06:00 PM to 07:00 PM "Christian Perspective" Host Joseph Ciccanti**

>

> **Thursday Night 06:00 PM to 08:00 PM "Just Talk" Host Sister Eva**

>

> **Thursday Night 08:00 PM to 09:00 PM "Walking In The Newness" Host Brother Joseph Adduci**

>

> **Friday Morning 08:30 AM to 09:00 AM "Biblical Apologetics" Host Tom Shreck**

>

> **Friday Morning 09:00 AM to 10:00 AM "Keepin It Real" Host Linda Hostelley**

>

> **Friday Morning 10:30 AM to 11:30 AM "Searching For My Real Father" Host Sister Olga**

>

> **Friday Morning 11:30 AM to 12:00 Noon "Love In Action" " Host Pastor Maxine Willford**

>

> **Friday Night 10:00 PM to 11:00 PM "Christian Perspective" Host Joseph Ciccanti**

>

> **ciao Dio benedire voi (GOD Bless You)**

>
> **JOSEPH D'ALESSANDRO**
> **23136 Prince George Drive**
> **Angola Estates**
> **Lewes, Delaware 19958-9342**

> **(302)-945-1554**
> **Cell (302)-228-3778**

>
> **Owners Message & Doctrine**
> **A Partnership of Friendly Communities**

> **WRBG is a non-commercial radio station. Listener Supported.**
> **WRBG is owned and operated by Christians.**

> **"WRBG The Fairness Doctrine"**
> **If you do not agree with a LIVE host you have the CIVIL RIGHT to come on the station,**
> **free air time and set in motion a open discussion or voicing of ideas, in a LOVING**
> **MANNER NOT OUT OF HATE OR ANGER.**

>
> **Everyone is welcomed here at WRBG community radio, according to our United States Constitution and First Amendment.**

All political candidates, State and Federal are welcomed on WRBG to share there views in regards to there public service to the Communities and State they serve.

The Greater Millsboro Chamber of Commerce, and surrounding communities Chamber of Commerce, are wellcomed on WRBG to share community events.

All Churches of all denominations, are received with pleasure and hospitality on WRBG.

All Residents, Priest, Pastors, Reverands, and Ministers, are received with pleasure and hospitality on WRBG. All views, perspectives, and, opinions are welcomed on WRBG.

WRBG is founded on Our United States Constitution, Bill of Right, Civil Rights, Civil Liberties, and these three eminent Amendments our First, Ninth, and Fourteenth Amendments.

Thank You

Jehovah GOD Bless You and Your Families
302 945 1554

CERTIFICATE OF SERVICE

I, Joseph D'Alessandro Pro-Se and Pro-Socia of WRBG-LP ., do hereby certify that I have on this Saturday, Wednesday, February 09, 2005, caused to be mailed by first class mail, postage prepaid, and electronic mail copies of the foregoing To the following.

Office of the Secretary Attn: Assistant Chief, Audio Division
Media Bureau.

Thank You

Sincerely